



PATENT
Customer No. 22,852
Attorney Docket No. 09797.0004-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lieven J. STUYVER et al.

Application No.: 10/045,292

Filed: October 18, 2001

For: MODIFIED NUCLEOSIDES FOR
THE TREATMENT OF VIRAL
INFECTIONS AND ABNORMAL
CELLULAR PROLIFERATION

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) Group Art Unit: 1623
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) Examiner: Traviss C. McIntosh, III
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) Confirmation No.: 4833
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached.

With respect to the non-English language document, JP-06-065211, Applicant submits that this document is cited in a communication from the Australian Patent Office in a counterpart foreign application. An English abstract is submitted herewith in lieu of

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a statement of relevance or translation of the non-English language patent. See M.P.E.P. 609.04(a).

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 30, 2008

By: Krista M. Bianco
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